

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

BOARD ORDER NO. R6T-2012-0043

RESCISSION OF CEASE AND DESIST ORDERS

FOR

**DISCHARGERS WITHIN SPALDING TRACT
DISCHARGING OR THREATENING TO DISCHARGE WASTES
IN VIOLATION OF WASTE DISCHARGE PROHIBITIONS
CONTAINED WITHIN THE WATER QUALITY CONTROL PLAN FOR THE
LAHONTAN REGION**

_____Lassen County_____

The California Regional Water Quality Control Board, Lahontan Region
(Lahontan Water Board) finds:

1. In September 1984, the Lahontan Water Board amended the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) to incorporate the following waste discharge prohibition.

“The discharge of waste from the Spaulding [sic] Tract or Stones-Bengard subdivisions with other than a zero discharge of nutrients to any surface waters or ground waters in the Eagle Lake basin is prohibited after September 14, 1989.” (Basin Plan, Chapter 4, *Implementation*, Unit/Area-Specific Prohibitions for the Eagle Drainage Hydrologic Area at p. 4.1-4)

This prohibition essentially prohibits the discharge of sewage to individual on-site waste disposal systems in the Spalding Tract after September 14, 1989.

2. In 1991, the Lahontan Water Board issued 644 Cease and Desist Orders (1991 CDOs) (Nos. 6-91-227 through 6-91-822, Nos. 6-91-825 through 6-91-831, and Nos. 6-91-865 through 6-91-905) to property owners (hereinafter referred to as “Dischargers”) within the Spalding Tract subdivision for violating or threatening to violate the above-referenced waste discharge prohibition. The Lahontan Water Board postponed additional enforcement actions so that a community wastewater system could be built and thereby provide a ready means of compliance to property owners.

3. The 1991 CDOs issued to the Dischargers, in part, set forth a time schedule for completion of the community wastewater system. Those CDOs also required the Dischargers to cease and desist from discharging wastes in violation of the waste discharge prohibition once the community wastewater system became operational.
4. On October 22, 2007, the Spalding Community Services District (District) wastewater collection and disposal system (system) became operational. As a result, there is a readily available method for property owners to comply with the waste discharge prohibition contained within the Basin Plan. Many property owners have since complied with the waste discharge prohibition by either connecting to the District's system or by properly abandoning their septic tank/leachfield system.
5. On June 10, 2009, the Lahontan Water Board rescinded five hundred ninety-seven (597) 1991 CDOs. The 1991 CDOs were rescinded because the Discharger named in the 1991 CDO either (a) connected their on-site wastewater disposal system to the District system, (b) properly abandoned their on-site wastewater disposal system, or (c) no longer owned the property. Forty-seven (47) 1991 CDOs were not rescinded at this time because the Discharger identified in the 1991 CDO continued to own the subject property and was in violation of the Basin Plan Prohibition.
6. On October 14, 2009, the Lahontan Water Board adopted 74 Cease and Desist Orders (2009 CDOs) (Nos. R6T-2009-0057 through R6T-2009-0130) for property owners who continued to discharge or threaten to discharge waste in violation of the Basin Plan prohibition. The 2009 CDOs were adopted to reflect current property ownership, provide the Dischargers with an updated compliance schedule, and reflect the availability of the District system.
7. On October 14, 2009, the Lahontan Water Board rescinded an additional fourteen (14) 1991 CDOs and replaced them with 2009 CDOs. This action provided Dischargers who continued to own the property listed in the 1991 CDOs and who continued to violate the Basin Plan waste discharge prohibition an updated compliance schedule.
8. On July 13, 2011, the Lahontan Water Board rescinded an additional twenty-five (25) 1991 CDOs and forty (40) 2009 CDOs because the Dischargers named in those CDOs came into compliance with the Basin Plan prohibition.

9. On September 14, 2011, the Water Board adopted 12 additional Cease and Desist Orders (2011 CDOs) (Nos. R6T-2011-0065 through R6T-2011-0076) for property owners who continued to discharge or threaten to discharge waste in violation of the Basin Plan prohibition, and who were not previously issued a CDO. The 2011 CDOs were adopted to reflect current property ownership and to establish a compliance schedule for those property owners who had an on-site wastewater disposal system who had yet to receive a CDO.
10. This Order rescinds the 1991, 2009, and 2011 CDOs shown in Attachment A, which is made a part of this Order, because the Dischargers named in those Orders meet one of the following conditions:
 - a. The Discharger has connected their on-site wastewater disposal system to the District's system and is in compliance with the Basin Plan waste discharge prohibition.
 - b. The Discharger has properly abandoned their on-site wastewater disposal system and is in compliance with the Basin Plan waste discharge prohibition.
 - c. The Discharger identified in the CDO is no longer identified in County records as the property owner, or is deceased.
11. It is in the public interest to rescind the 1991, 2009, and 2011 CDOs identified in Attachment A as the Dischargers are either complying with the Basin Pan waste discharge prohibition or the CDOs are obsolete as the Dischargers no longer own the property or are deceased.
12. The Lahontan Water Board has notified, or attempted to notify, the Dischargers listed in Attachment A and interested persons of its intent to rescind the 1991, 2009, and 2011 CDOs identified in Attachment A.
13. The Board in a public hearing heard and considered all comments pertaining to this Rescission Order.
14. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with title 14, California Code of Regulations, Section 15321.

IT IS HEREBY ORDERED that the Cease and Desist Orders listed in Attachment A, are rescinded.

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on July 11, 2012.



PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

July 27, 2012

Date

Attachment A – Spalding Tract Cease and Desist Order Rescission List